

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2003-293-C - ORDER NO. 2004-135
MARCH 25, 2004

IN RE: Savannah Valley Cablevision, Inc.,)	
)	
Complainant,)	
)	ORDER GRANTING
vs.)	REQUEST FOR LEAVE
)	TO TAKE DEPOSITION
West Carolina Rural Telephone Cooperative,)	
Inc. and West Carolina Communications,)	
LLC,)	
)	
Respondents.)	
_____)	

This matter comes before the Public Service Commission of South Carolina (the “Commission”) on the Request of Savannah Valley Cablevision, Inc.’s (“SVC”) for leave to depose designee(s) of West Carolina Rural Telephone Cooperative, Inc. (“WCRTC”) pertaining to certain subjects of SVC’s complaint filed against WCRTC and West Carolina Communications, LLC (“WCC”) (collectively, the “Respondents”). SVC’s Request was filed pursuant to Rules 30(b)(6) and 34 of the South Carolina Rules of Civil Procedure, 26 S. C. Regs. 103-851 and 103-854, and other applicable rules of practice and procedure of the Commission. The complaint of SVC against WCRTC and WCC, alleging that the Respondents have violated provisions of S.C. Code Ann. Sections 58-9-250 and 58-9-320 and 26 S.C. Reg. 103-603, was filed with the Commission October 1, 2003.

SVC filed its Request for Leave to take Deposition with the Commission on February 20, 2004, and by its Request, SVC seeks to establish the facts relating to WCRTC and WCC's provision of digital entertainment services using WCRTC's existing telephone plant and to establish that WCRTC and WCC are improperly using overearnings from the monopoly provision of telephone services to subsidize their entry into the cable television business. According to SVC, the designee(s) of WCRTC which SVC intends to depose would be from among WCRTC's officers, directors, managing agents, or other persons who consent to testify and who are most knowledgeable regarding the facts of the subject matter, specifically regarding arrangements and transactions between WCRTC and its affiliated companies including but not limited to WCC. Additionally, SVC proposes that for the deposition, WCRTC's designee is to produce any and all correspondence, notes, documents or any other materials relative to arrangements and transactions between WCRTC and its affiliates including, but not limited to, WCC.

According to SVC, the proposed depositions will be taken upon oral examination, for discovery and/or use as evidence for this proceeding, and will be taken before a Notary Public or before some other officer authorized by law to take depositions, and said deposition to continue from day to day. SVC gives the date, time and location for the requested depositions to be held as: March 16, 2004, 10:00 a.m., Offices of Robinson, McFaden & Moore, P.C., 1901 Main Street, Suite 1200, Columbia, South Carolina 29201. According to SVC, the preceding information was noticed to all parties. If the stated date and time for the depositions are not convenient to all parties, SVC requests

authorization to reschedule the depositions and notify the Commission of same. SVC respectfully requests of this Commission authorization for SVC to take deposition of the WCRTC designee.

R.103-852 of the Commission's Rules and Regulations provides that any party of record to a proceeding may, by written request, ask the Commission for leave to take the testimony of any witness by deposition. The request shall set forth the facts the requesting party seeks to establish by the deposition. Such written request shall be filed with the Commission at least 10 days prior to the commencement of the scheduled hearing. The requesting party shall give notice by providing a copy of the written request to each party of record to the proceeding. If the Commission deems the request meritorious, it may issue an Order designating the individual whose deposition may be taken, specifying the subject matter of the examination, and setting forth the time and place of such deposition, and whether it shall be written or oral examination. Other discovery procedures not covered in R. 103-850 through 103-852, are governed by the S. C. Rules of Civil Procedure.

Upon consideration of the Motion for Leave to take Deposition, the Commission hereby grants the Motion. We find that SVC has satisfied the requirements for requesting that a deposition or depositions be taken.

IT IS THEREFORE ORDERED THAT:

1. The Motion for Leave to take Deposition filed by Savannah Valley Cablevision, Inc. is hereby granted.

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

/s/
Mignon L. Clyburn, Chairman

ATTEST:

/s/
Bruce F. Duke, Executive Director

(SEAL)